

REMARKS

The Official Action dated October 6, 2004, has been received and its contents carefully noted. In view thereof, the specification as well as claims 1 and 6 have been amended and new claim 8 has been added in order to better define that which Applicants regard as the invention. Accordingly, claims 1-8 are presently pending in the instant application.

Initially, Applicants wish to acknowledge the Examiner's indication in paragraph 10 of the Office Action that claim 7 has been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In this regard, in that it is respectfully submitted that independent claim 1 as well as those claims which depend therefrom are now in proper condition for allowance, it is respectfully requested that claim 7 again be indicated as being allowable by the Examiner.

With reference now to paragraph 2 of the Office Action, the drawings have been objected to as under 37 C.F.R. §1.83(a) in that the drawings must show every feature of the invention specified in the claims. Particularly, the Examiner has taken the position that the occupant of claim 1 and the part at which the impact absorbing portion is disposed jutting out from an inner surface of the front door of claim 7 must be shown or the features canceled from the claims.

As can be seen from the foregoing amendments, independent claim 1 has been amended to recite that the impact absorbing portion "absorbs an impact load in response to contact with said sash-side door trim from the inside of the vehicle cabin". Accordingly, in that reference to a particular occupant of the vehicle has been deleted, it is respectfully

submitted that the drawings now show each and every limitation set forth in independent claim 1.

With respect to claim 7, filed concurrently herewith is a Submission of Substitute Formal Drawings wherein Fig. 17 has been amended to include an inner surface of the front door 2 shown in phantom lines. Accordingly, it is respectfully submitted that claim 7 is now properly supported by Fig. 17. Furthermore, no new matter has been entered in that the specification as well as claim 7 clearly set forth this feature of the claimed invention.

With reference to paragraph 3 of the Office Action, the specification has been objected to as including a minor informality. The Examiner is correct in noting that it was a scanning error on the part of the U. S. Patent and Trademark Office in that Applicants' copy of the specification properly recites "Side" of line 1 on page 1. Accordingly, it is respectfully requested that the Examiner make this change to the scanned version of the U. S. Patent and Trademark Office copy. If a formal amendment is required in order to place the specification in proper condition for allowance, the Examiner is hereby authorized to carry out this change by Examiner's Amendment.

Referring now to paragraph 4 of the Office Action, claims 1 and 6 have been objected to as including minor informalities. Particularly, the Examiner is of the position that claim 1, line 9 and at line 13 should include the word "and" before "is" set forth therein. It is respectfully submitted that Applicants believe the claim language of claim 1 as amended to including commas properly sets forth Applicants' claimed invention.

With respect to claim 6, as can be seen from the foregoing amendments, reference to "continuous" has been deleted in that the opening has not previously been described in this manner. Accordingly, it is respectfully submitted that Applicants' claimed invention as set

forth in each of previous claims 1-7 as well as new claim 8 is now in proper formal condition for allowance.

With reference now to paragraph 7 of the Office Action, claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,720,510 issued to Daniel et al., in view of U.S. Patent No. 6,332,641 issued to Okana. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

As the Examiner can appreciate, independent claim 1 is directed to impact absorbing structure for a vehicle side door with the impact absorbing structure comprising a sash-side door trim, which covers the door sash portion, provided in the door sash portion on the inside of a vehicle cabin and an impact absorption portion, which absorbs an impact load in response to contact with the side-sash door trim from the inside of the vehicle cabin, is provided in a front longitudinal side part of the side-sash door trim. Clearly, the combination proposed by the Examiner neither discloses nor suggests this feature.

In rejecting Applicants' claimed invention, the Examiner has noted that Daniel et al. discloses an impact absorbing structure for a vehicle side door 14 which opens and closes an opening formed in a side part of the vehicle, that side door includes a door main body, and a sash portion 16, 18, 20 which extends upward from the door main body and supports a door window member with the impact absorbing structure comprising a side-sash door trim 30 which covers the door sash portion is provided in the door sash portion on the inside of the vehicle cabin and an impact absorbing portion 62, 68 which absorbs the impact load when an occupant comes into contact with the side-sash door trim from the inside of the vehicle provided in a front longitudinal side part of the dash side door trim. The Examiner goes on to note that Daniel et al. fails to disclose the door having a door inner panel and a door outer

panel joined to the door inner panel and relies on the teachings of Okana as teaching a vehicle door having inner and outer panels joined to one another stating that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the door of Daniel et al. with inner and outer panels as taught by Okana in order to place additional door structures therein.

Accordingly, it would appear that the Examiner is of the opinion that an energy absorbing medium 368 shown in Fig. 3 of Daniel et al., is considered the impact absorbing portion recited in claim 1 of Applicants' claimed invention. However, as will be discussed in greater detail hereinbelow, it is respectfully submitted that contrary to the Examiner's assertion, this is not the case.

Particularly, when viewing Figs. 1 and 3, it would appear that the Examiner is correct because Fig. 3 is a cross-sectional view taken along line 3-3 of Fig. 1 which crosses over the frontal portion of the rear door and the rear part 18 of the front door. However, this structure is particularly addressed in the paragraph bridging column 1 and column 2 of the Daniel et al. reference, wherein the element referred to by reference numeral 18 or 20 is a pillar, consequently, what is shown in Fig. 3 is a cross-sectional view of a pillar 18 positioned between the doors and not that of a frontal portions of the rear door. Clearly, the pillar 18 while including an energy absorbing member, is a permanent immovable portion of the vehicle set forth by Daniel et al., and cannot be considered an impact absorbing portion provided in a front longitudinal side part of the sash-side door trim. That is, the impact absorbing structure set forth in accordance with Applicants' claimed invention is provided on the door panel and is consequently moveable with the door panel and is not a permanent immovable pillar as is the case with Daniel et al.

With respect to the teachings of Okana, this reference merely shows a structure of gatefold-type doors for a motor vehicle and clearly fails to include the impact absorbing structure set forth in accordance with Applicants' claimed invention. Especially, as illustrated in Fig. 2, there is no sash-side door trim set forth therein nor is there a discussion or remote suggestion regarding the provision of an impact absorbing portion in the sash-side door trim. Accordingly, while Daniel et al. may disclose a lateral side impact absorption structure, this structure is provided with respect to a permanent pillar which is positioned between front and rear doors of a motor vehicle and is not provided in nor is it remotely suggested to provide such an impact absorbing structure in a front longitudinal side part of the sash-side of the door trim. Furthermore, the patent to Okana does nothing to overcome this shortcoming. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 clearly distinguishes over the combination proposed by the Examiner and is in proper condition for allowance.

With reference now to paragraph 8 of the Office Action, claims 1 and 4-6 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okana in view of U.S. Patent No. 6,733,064 issued to Fox et al. This rejection is likewise respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

As noted hereinabove, and as clearly acknowledged by the Examiner, the patent to Okana lacks an impact absorbing structure including a sash-side door trim as is specifically recited in independent claim 1. In order to overcome this shortcoming, the Examiner relies on the teachings of Fox et al. and the Examiner is of the opinion that Fox et al. discloses a trim piece 12 sash area of vehicle side doors. However, similar to the previous rejection, the patent to Fox et al. merely discloses a trim piece 12 for absorbing an impact which is

provided along a longitudinal direction of a roof support pillar 16. Again, as with the patent to Daniel et al., this roof support structure is a permanent element of the vehicle and is not moveable with the door as is the case with the present invention. Consequently, it is respectfully submitted that the impact absorbing member 12 of Fox et al. is not provided in a front part of the sash-side trim of the door as is presently recited by Applicants' claimed invention. Moreover, it is respectfully submitted that the requisite motivation for combining the references in the manner suggested by the Examiner is clearly not present. One of ordinary skill in the art would not turn to the teachings of a permanent and fixed pillar structure of a motor vehicle as set forth in Fox et al. in designing the pillarless door structure of the present invention. Accordingly, it is respectfully submitted that Applicants' claimed invention as set forth in independent claim 1 as well dependent claims 4 and 6 clearly distinguish over the combination proposed by the Examiner and are in proper condition for allowance.

With reference to paragraph 9 of the Office Action, claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Okana as modified, and as applied to claim 1 above and further in view of U.S. Patent No. 6,248,200 issued to Dailey et al. This rejection is respectfully traversed in that the patent to Dailey et al. does nothing to overcome the aforementioned shortcomings associated with the previous combination.

While the patent to Dailey et al. may teach a door main body of a side door of a vehicle having a door main body side door trim provided below a sash-side door portion, this reference still fails to overcome the aforementioned shortcomings associated with the combination of Okana et al. in view of Fox et al. Furthermore, each of claims 2 and 3 are directly dependent upon independent claim 1 and include all the limitations thereof.

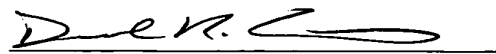
Accordingly, it is respectfully submitted that these claims are in proper condition for allowance for the reasons discussed hereinabove.

With reference now to new independent claim 8, as can be seen from the foregoing amendments, new claim 8 has been added in order to more clearly define that which Applicants regard as the invention. That is, the impact absorbing portion, which absorbs an impact load in response to contact with the side-sash door trim from the inside of the vehicle cabin is provided in a portion of the sash-side door trim, this portion corresponding to a frontal and substantially vertically extending portion of the side-sash door trim. Clearly, independent claim 8 distinguishes over the prior art of record for at least the reasons discussed hereinabove.

Therefore, in that the prior art of record fails to disclose or remotely suggest an impact absorption member in a sash-side door trim, it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-8 be allowed and that the application be passed to issue.

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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